



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

AUG 23 2013

Rose Santos
FOIA Group Inc.
P.O. Box 368
Depew, New York 14043

Reference: Freedom of Information Act Request **EPA-HQ-2013-007427**

Dear Ms. Santos:

This letter is in response to your electronic (e-mail) Freedom of Information Act request dated June 18, 2013, and is prepared in accordance with the FOIA.

Your request for a copy of the following contract documents – Contract task orders/ Delivery orders (Item 4), Bidders Mailing List (Item 9) and Transcript from Oral Presentation (Item 11) – cannot be complied with because the aforementioned documents do not exist. The solicitation was posted on FedBizOpps and the Environmental Protection Agency (EPA) internet website <http://www.epa.gov/oam/>.

Enclosed is a redacted copy of the following contract documents:

1. Source Selection Memoranda – 11 Pages
2. Releasable Portions of Contractor's Technical Proposal – 17 Pages
3. Work Assignments 402, 404 through 417, 420 through 424, 427, 428, and 433 (Option Period 3) and 502, 504 through 512, 514, 515, 517, 520 through 524, 527 and 533 (Option Period 4), including all work assignment amendments – 371 Pages
4. List of Proposals Received (with the exception of names, telephone numbers; e-mail addresses and the names of key personnel of all offerors)
5. Request for Proposal PR-HQ-08-10150 and Amendments 1 and 2 – (NO CHARGE)

Your request for a copy of the Slides and Videotape from the Oral Presentations is denied pursuant to Title 5 U.S. Code § 552(b) (4). The aforementioned records from the oral presentation demonstrate and discuss the contractor's understanding of the requirement and their management approach should they win the award.

Internet Address (URL). <http://www.epa.gov>

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This concerns Item 3, of your request for a copy of the technical proposal submitted by SRA International, Inc., in response to the EPA solicitation number PR-HQ-08-10150. The EPA notified the contractor concerning their claim of business confidentiality for the proposal. SRA International Inc. was informed of their right to seek judicial action regarding the release of portions of their proposals that were claimed as confidential business information but were not entitled to confidential treatment. The title pages, table of contents, cover letters, **(with the exception of the subcontractor's names, consultants, small disadvantage business participation, SDB percentages, cumulative amount, name of contractor key personnel, telephone number, and email address)** information identifying other government contracts, are not entitled to confidential treatment. The contractor was also informed that all other portions of their proposals are entitled to confidential treatment and would not be released. The contractor chose not to take any such action.

Consequently, I am enclosing a redacted copy of title pages, table of contents, cover letters, **(with the exception of the subcontractor's names, consultants, small disadvantage business participation, SDB percentages, cumulative amount, name of contractor key personnel, telephone number, and email address)** information identifying other government contracts, which are not entitled to confidential treatment.

In accordance with the Agency Class Determination 1-95, I have determined that the information withheld, are exempt from disclosure under Title 5 U.S.C. §552(b)(4) because it constitutes commercial or financial information obtained from a person and considered privileged or confidential. You can view the EPA Class Determination 1-95 by going to this link <http://www.epa.gov/oam/foia/i95.pdf>.

In response to your request for a copy of the source selection document for Request for Proposal (RFP) PR-HQ-08-10150, enclosed is a redacted copy of the "Source Selection Memoranda" for the aforementioned RFP which resulted in the award of Contract EP-W-08-036. All portions of the document are provided with the exception of the following categories of information which have been withheld:

1. Proposed cost of all offerors
2. Names of all offerors with the exception of the awardees: SRA International, Inc.
3. All subjective statements concerning the evaluation of proposals, with the exception of some of the summary recommendations.
4. Technical scores for all offerors with the exception of the awardees SRA International, Inc
5. Breakdowns of scores and points given in each category for all offerors
6. Names of the Technical Evaluation Panel members

The deleted pricing information is denied pursuant to Title 5 U.S.C. §552(b) (4). This information was submitted by all offerors as part of their proposal to which individual claims of business confidentiality were asserted. In accordance with the Agency class determination, I have determined that the proposed dollar amounts, with the exception of the amount accepted, are exempt from disclosure under Title 5 U.S.C. §552(b)(4).

Disclosure of all remaining withheld portions of the "Source Selection Memoranda," described above in Items 2 through 6, is denied pursuant to Title 5 U.S.C. §552(b)(5). This information constitutes internal Agency predecisional records that are part of the deliberative process for contract award and, therefore, considered exempt from disclosure.

As noted above, the information withheld under Exemption 4 will be sent to the appropriate legal office to issue a final confidentiality determination. Therefore, you do not need to appeal the information withheld pursuant to Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this **partial denial** response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J; Washington, D.C. 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "**Freedom of Information Act Appeal.**"

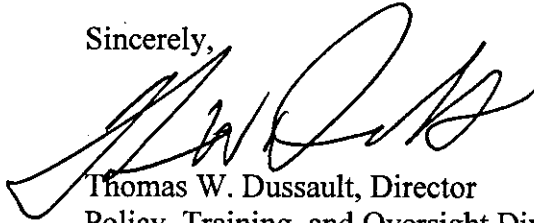
Pursuant to the EPA's FOIA regulations (Title 40 CFR 2.100, et. seq.); the Agency's fees for processing requests are as follows:

(1) clerical staff time billed at \$4.00 per 15 minutes of search and/or review; (2) professional staff time billed at \$7.00 per 15 minutes of search and/or review; (3) managers' time billed at \$10.25 per 15 minutes of search and/or review; (4) no fee will be charged for services at or below \$14.00; (5) assurance of payment of fees above \$25.00 will be obtained from the requester before commencing any work; (6) advance payment of fees above \$250.00 may be required by the Agency before commencing any work and (7) \$.15 per page is required for reproduction of the records requested. The "Bill for Collection" requesting payment should be downloaded from FOIA online in the amount of \$322.00. **Assurance of payment was received from you via e-mail dated August 12, 2013.** Please return the top portion of the form with your check or money order, payable to the U.S. Environmental Protection Agency, and forward your remittance to the address listed.

In a continued effort to streamline the FOIA process, EPA offers the option to pay your FOIA bill on-line. There is no requirement for you to use the on-line system to pay your bill, but if you choose to do so, please go to www.pay.gov and follow the simple instructions. Please enter your FOIA request number to ensure proper payment.

Should there be any questions regarding this response, please do not hesitate to contact Mildred Jackson, of my staff, at area code (202) 564-4359 or via e-mail at jackson.mildred@epa.gov and reference for identification purposes **EPA-HQ-2013-007427**.

Sincerely,



Thomas W. Dussault, Director
Policy, Training, and Oversight Division
Office of Acquisition Management (3802R)

Enclosures 6

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